

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------|---|----------------------------|
| CASEY LEE HOEY, |) | |
| Plaintiff, |) | Civil Action No. 07 - 367 |
| |) | |
| v. |) | Judge David S. Cercone / |
| |) | Magistrate Judge Lisa Pupo |
| JEFFREY ALAN WATSON, ESQ. |) | Lenihan |
| Defendant |) | |
| |) | |

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (Document No. 1) on March 21, 2007, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On May 5, 2007, Plaintiff's Complaint was filed against John C. Pettit, District Attorney of Washington County (Document No. 3). The Magistrate Judge's Report and Recommendation filed on May 18, 2007 (Document No. 5), recommended that Plaintiff's Complaint be dismissed based on the Defendant's immunity. Plaintiff filed Objections to the Report and Recommendation on May 24, 2007 (Document No. 7).

On May 21, 2007, Plaintiff filed an Amended Complaint against his defense counsel, Jeffrey Alan Watson (Document No. 8). The Magistrate Judge's Report and Recommendation filed on June 4, 2007 (Document No. 9), recommended that Plaintiff's Complaint be dismissed because the Defendant was not a state

actor. Plaintiff filed Objections to the Report and Recommendation on June 7, 2007 (Document No. 10).

After review of the pleadings and documents in the case, together with both Report and Recommendations, and the respective Objections thereto,¹ the following order is entered:

AND NOW, this 21 day of June, 2007,

IT IS HEREBY ORDERED that Plaintiff's Complaint and Amended Complaint are **DISMISSED**.

IT IS FURTHER ORDERED that the Report and Recommendations (Document Nos. 5 and 9) of Magistrate Judge Lenihan are adopted as the Opinions of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this **CASE CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

DStewart

David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Casey Lee Hoey, FH-5454
SCI Fayette
PO Box 9999
LaBelle, PA 15450